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T-530 P.002/003 F-434

NOV 07 2005

Attorney Docket No. PA792D1  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of )  
Tiedemann et al. ) For: METHOD AND APPARATUS  
 ) FOR MAXIMIZING THE USE OF  
 ) AVAILABLE CAPACITY IN A  
 ) COMMUNICATION SYSTEM  
Serial No. 09/779,719 ) Examiner: Toan D. Nguyen  
 )  
Filed: February 8, 2001 ) Group No.: 2665

TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION  
UNDER 37 CFR §1.321(c)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Roberta A. Young, am the attorney of record for this invention. The assignee,  
QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this  
invention.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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**DISCLAIMER**

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of United States Patent No. 6,317,435 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,317,435, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 6,317,435, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or are terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

Dated: November 7, 2005

By: Roberta A. Young  
Roberta A. Young & Reg. No. 53,818  
(858) 658 5803

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502